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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LE, DEBBIE M

ART UNIT

PAPER NUMBER

2168

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/017,689	Applicant(s) KAKIVAYA ET AL.	
	Examiner DEBBIE M. LE	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicants' arguments filed on 11/3/06. Claims 7 and 20 are cancelled. Claims 1-6, 8-19 are pending for examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims do not recited a tangible result. In this particular case, where is a tangible result after the step of determining that object in-memory data structure satisfies the query? Thus, they fails to produce a tangible result such as providing or indicating the satisfied objects to a user.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, 8-13, 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Rylander et al (US Patent 6,748,384 B1).

As per claim 1, Rylander discloses a method for querying a data structure in a distributed computing environment, comprising:

preparing a query specifying the constraints to be applied on at least two data structure wherein each data structure is stored in a different data format (as a user defines a desired summary that includes data from multiple different data stores or data structures, col. 9, lines 9-13, or GUI allows user to specify data stores, as well as detailed desired summary data to be constructed, col. 7, lines 50-61);

sending the query to at least two different objects (as desired summary data provided by the user, col. 9, lines 17-18), **wherein each object determines whether an in-memory data structure maintained by each object satisfies the query** (as a program determine which records and which fields of such records to query for summarizing the data stores in according to the user's desired, col. 8, lines 49-54).

As per claim 2, Rylander teaches wherein the query is specified as a text string (col. 7, lines 38-40).

As per claim 3, Rylander teaches wherein the data structure is stored as one of XML, database tables, and a programming language data structure (col. 9, lines 39-55).

As per claim 4, Rylander teaches receiving a data value from at least one digital device indicative of the storage of the value in said digital device wherein one of the at least two different objects resides on the digital device (as the identifying fields 202 and 302 are resided on either switch S1 or switch S2, col. 5, lines 31-33, 49-51).

As per claim 5, Rylander teaches the digital device comprises one of a personal computer, personal digital assistant, video tape recorder, a display device, and an MP3 player (col. 4, lines 45-67).

As per claim 6, Rylander teaches wherein the query is sent in the form of a message over a data network (col. 4, lines 45-58).

Claim 8 is rejected by the same rationale as state in claim 1 arguments.

Claims 9-12 have similar limitations as claims 2-5; therefore, they are rejected under the same subject matter.

As per claim 13, Rylander discloses a method for use in a digital device in a distributed system, comprising:

coupling the digital device to a communication network (as switch S1..S3, Figure 1, col. 4, lines 45-58);

storing a value in a data structure in said digital device (as a record stores within data store 102 for each switch are different format, col. 5, lines 21-45), **said data structure defined by a programming language data type definition** (as program

determines fields and types for each field for the records containing information for each switch, col. 7, lines 65-67, col. 8, lines 1-6);

receiving a query specifying a query data type and a query value (as desired summary data provided by the user, col. 9, lines 17-18);

comparing the query data type to the data structure data type and the query value to the value stored in the data structure (as a program determine which records and which fields of such records to query for summarizing the data stores in according to the user's desired, col. 8, lines 49-54);

indicating in a response to the query whether the query data type matches the data structure data type and whether the query value matched the value stored in the data structure (as the program thus generate the proper software code for constructing the desired summary, col. 8, lines 50-54).

Claims 17-19 have similar limitations as claims 2, 5-6; therefore, they are rejected under the same subject matter.

Claims 14-16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rylander et al (US patent 6,748,384 B1) in view of Gombocz et al (US Patent Application No. 2002/0156792 A1).

As per claim 14, Rylander does not explicitly teach wherein the programming language is one of a procedural language and an object oriented language. However, Gombocz teaches wherein the programming language is one of a procedural language and an object oriented language (para. 59). Thus, it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to implement the step of the programming language is one of a procedural language and an object oriented language as taught by Gombocz because the object-oriented language makes it easier to provide a second language distinct from the first language, such as C++, Java, XML and other markup language; therefore, it is readily apparent to anyone skill in the art that other enabling software codes for enabling techniques also be used, as suggested by Gombocz (see par. 0059).

As per claim 15, Gombocz teaches wherein the programming language is one of an interpreted language and a compiled language (see par. 0059).

As per claim 16, Gombocz teaches wherein the object oriented language is one of JAVA, C#, CLR, and C++ (see par. 0059).

Response to Arguments

Applicant's arguments filed 11/3/06 have been fully considered but they are not persuasive.

First, Applicants argue that claims fall within the statutory categories of 101.

With respect to the rejection under 35 U.S.C. 101, claims 8-19 have been removed. But claims 1-6 are maintained under 35 U.S.C. 101 direct to non-statutory because the recited claims do not produce a tangible result.

Second, Applicants argue that Rylander does teach that data is retrieved from two data stores, but it does not teach that the same query is sent to both data sources.

In response, the examiner respectfully disagrees.

It is noted that the claim does not recite the language “the same query is sent to both data sources.” In the case if the claim would recited “sending the same query to at least two different objects”, Rylander still teaches the instant claimed limitation. As Applicants agreed that “the data is retrieved from two data stores”, thus, it must be that the software program (i.e., query) is executed on the computer to access data stores 102 to produce the desired summary of one or more data stores 102 (col. 5, lines 3-10). As passages, the software program is executed to access data store 102 is equivalent to the claim limitation “sending the query to two different data objects”. Accordingly, Rylander does teach the instant claimed language.

Second, Applicants argue that Rylander does not teach additional limitation “receiving a query specifying a query data type and a query value” as recited in claims 8 and 13. Since, the examiner has rejected them with respect to claim 1, however, these limitations not found in Rylander.

In response, the examiner respectfully disagrees. Rylander discloses at col. 4, lines 29-44 that “...meta-data, which is data about data, is maintained for data store. Such meta-data may then be utilized by a software program...the meta-data for data store describes the number of fields (or columns)...as well as the format of the data contained in each field (e.g., whether timestamp data, character-based data, numeric data, etcetera)...a user is capable of indicating the type of summary desired (e.g., is capable of providing a summary definition specifying the type of summary desired)”. Such this is a user-defined summary (col. 6, lines 7-21, 44). Accordingly, Rylander does

teach the claimed language "receiving a query specifying a query data type and a query value".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Primary Examiner
1/17/07